

Docket No.: NHL-SCT-22
Serial No.: 09/823,937

REMARKS

The Office Action dated May 30, 2003, has been reviewed in detail and the application has been amended in the sincere effort to place the same in condition for allowance. Reconsideration of the application and allowance in its amended form are requested based on the following remarks.

Applicants retain the right to pursue broader claims under 35 U.S.C. §120.

Applicants have provided a unique solution with respect to problems regarding a METHOD OF MAKING A HOLOGEN LAMP AND OTHER ANALOGOUS LAMPS AND OBJECTS, AND APPARATUS FOR THE MANUFACTURE THEREOF. Applicants' solution is now claimed in a manner that satisfies the requirements of 35 U.S.C. §§102, 103, and 112.

Allowable Subject Matter and New Claims:

On page 6 of the outstanding Office Action, the Examiner indicated that Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim.

In addition, the Examiner stated that Claim 6 was allowable for the following reasons:

"The prior art does not teach or fairly suggest the processes as claimed wherein a surface condition is modified to a depth of 1000nm. It would not have been obvious to modify the surface conditions of the prior art glass products to 1000nm."

Claims 21-39 have been newly-presented herein. Claim 21 contains the subject matter of allowable Claim 6 and the subject matter of the base claim of Claim 6, that is, independent Claim 5. Claim 21 recites the following step: "(d) continuing said regulating step (c) for a period of time sufficient to set and modify a surface condition of said glass body to a surface depth in the range of approximately 1000 to approximately 2000 nanometers." It is therefore respectfully submitted that Claim 21 is allowable for the same reasons as stated by the Examiner with respect to Claim 6.

However, new Claim 21 does not contain the exact language of Claim 6. Claim 6 read as follows:

The method of Claim 5 wherein said regulating step (c5) is continued for a period of time sufficient to set and modify the surface condition of said glass body to a surface depth of one of: approximately 2000 nanometers, and approximately 1000 nanometers.

Claim 21 instead recites a range of approximately 1000 to

approximately 2000 nanometers. It is believed that this language includes the allowable feature of the claims as indicated by the Examiner in the Office Action, that is, the surface condition is modified to a depth of approximately 1000nm. Therefore, although Claim 21 does not contain the exact language of Claim 6, Claim 21 does contain the feature of Claim 6 that the Examiner considered to distinguish Claim 6 over the prior art.

The range recited in Claim 21 is supported by Figure 3 of the application. Specifically, Figure 3 shows modification of a surface condition of said glass body to a surface depth in the range of approximately 1000 to approximately 2000 nanometers. It is therefore respectfully submitted that the range of Claim 21 is supported by the disclosure.

In view of the above, it is respectfully submitted that Claim 21 is in condition for allowance. Claims 22-39 depend from Claim 21, and are also believed to be in condition for allowance.

Rejection of Claims 3-5, 7-11, 15-18, and 20 Under 35 U.S.C.

§102:

Claims 10, 15, 17, 18, and 20 were rejected under 35 U.S.C.

§102, as being unpatentable over Terneu et al (U.S. 5,221,352).

These claims have been canceled herein, without prejudice, rendering the rejection in view of Terneu moot.

Claim 16 was rejected under 35 U.S.C. §102, as being unpatentable over Morrill, Jr. (U.S. 3,401,028). These claims have been canceled herein, without prejudice, rendering the rejection in view of Morrill moot.

Claims 3-5, 7-9, and 11 were rejected under 35 U.S.C. §102, as being unpatentable over Kononko et al. (U.S. 3,937,623). These claims have been canceled herein, without prejudice, rendering the rejection in view of Kononko moot.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection of Claims 1, 2, 12-14, and 19 Under 35 U.S.C. §103:

Claims 1, 2, 12-14, and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Kononko in view of Bienvenue et al. (U.S. 4,319,156). These claims have been canceled herein, without prejudice, rendering the rejection in view of Kononko and Bienvenue moot.

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In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection of Claims 1-4 and 6 Under 35 U.S.C. §112, Second

Paragraph:

Claims 1-4 and 6 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-4 have been canceled herein, without prejudice.

Claim 6 has also been canceled herein, without prejudice. However, the subject matter of Claim 6 was combined with Claim 5 and presented in new Claim 21. Claim 21 was drafted in such a manner as to overcome the rejections under 35 U.S.C. 112, second paragraph, as stated in the outstanding Office Action in paragraphs 8 and 9. Specifically, the Examiner stated that since the two depths (1000nm and 2000nm) recited in Claim 6 were separated by the word "and," the two depths were apparently endpoints of a range, but this was unclear in view of the Markush language used. Claim 21 therefore has been drafted to clearly recite a range, which range is supported by the disclosure, as stated above. In addition, canceled

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Claim 6 recited "the surface condition," but there was no antecedent basis for this limitation. The phrase "the surface condition" has been presented as "a surface condition" in new Claim 21.

In view of the above, reconsideration and withdrawal of the present rejection is respectfully requested.

Objection to Claims 2, 14, and 19:

Claims 2 and 19 have been canceled herein, rendering the rejection against these claims moot.

Claim 14 has also been canceled herein, but the subject matter of Claim 14 has been presented in new Claims 31 and 39. Claims 31 and 39 have been drafted to overcome the objection in relation to canceled Claim 14.

In view of the above, reconsideration and withdrawal of the present objection is respectfully requested.

Art Made of Record:

The prior art made of record and not applied has been carefully reviewed, and it is submitted that it does not, either taken singly or in any reasonable combination with the other prior art of record,

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defeat the patentability of the present invention or render the present invention obvious. Further, Applicants are in agreement with the Examiner that the prior art made of record and not applied does not appear to be material to the patentability of the claims currently pending in this application.

In view of the above, it is respectfully submitted that this application is in condition for allowance, and early action towards that end is respectfully requested.

Summary and Conclusion:

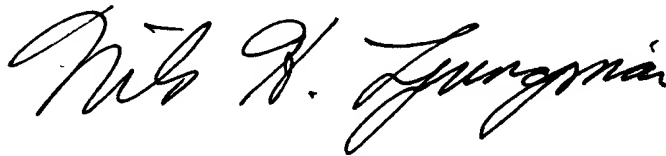
It is submitted that Applicants have provided a new and unique METHOD OF MAKING A HALOGEN LAMP AND OTHER ANALOGOUS LAMPS AND OBJECTS, AND APPARATUS FOR THE MANUFACTURE THEREOF. It is submitted that the claims, as amended, are fully distinguishable from the prior art. Therefore, it is requested that a Notice of Allowance be issued at an early date.

If mailed, I, the person signing this certification below, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450,

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Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the certification of facsimile transmission on the transmittal letter which is being facsimile transmitted herewith.

Respectfully submitted,



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